UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:11-cv-00562-MOC-DSC

VANIA SMALLWOOD,)	
Plaintiff(s),)	
Vs.)	ORDER
MICHAEL J. ASTRUE,)	
Defendant(s).)	

THIS MATTER is before the court on the Commissioner's Motion to Dismiss for Want of Prosecution. In accordance with the Pretrial Order, plaintiff's Motion for Summary Judgment was due to be filed not later than April 13, 2012. On January 2, 2013, the Commissioner filed the instant motion and served a copy of such motion on plaintiff. Despite the passage of the allowed time for a response to such motion, plaintiff has not responded or shown any reason for failure to comply with the Pretrial Order. Having considered the Commissioner's motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that the Commissioner's Motion to Dismiss for Want of Prosecution (#11) is **GRANTED**, and this action is dismissed without prejudice.

Signed: January 22, 2013

Max O. Cogburn Jr.

United States District Judge